

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

IN RE

STEVEN M. McCARTHY,

Debtor.

)
) Bankruptcy Case
) No. 09-66931-tmr13

)
) MEMORANDUM OPINION
)

This matter comes before the Court on Trustee's Motion to Dismiss Case, Docket #133 filed September 19, 2014. At a hearing on the motion held November 4, 2014, Debtor admitted that he had received and spent inheritance in excess of \$2,500, that he had failed to report the receipt of the inheritance to the trustee, and that he had failed to respond to the request of the trustee for information relating to the inheritance. Debtor further promised to forward the requested documents and information to the trustee. The Court has now received a letter from the trustee, Docket #143, representing that Debtor has failed to provide any documents or information related to the inheritance.

The court makes the following findings of fact:

1. The confirmation order required Debtor to report his entitlement to any inheritance in an amount greater than \$2,500 and to hold any inheritance until receiving either trustee's permission or a court order;
2. Debtor willfully, intentionally, knowingly, and voluntarily failed to comply with the confirmation order;

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3. The Minute Order filed November 6, 2014, Docket #141, required Debtor to provide the trustee with the requested documentation as to the inheritance;
4. Debtor willfully, intentionally, knowingly, and voluntarily failed to comply with the November 6, 2014 Minute Order;
5. Debtor failed to respond to trustee's reasonable request for information and documents relating to the inheritance and thereby willfully, intentionally, knowingly, and voluntarily failed to comply with his duties under 11 U.S.C. § 521(a)(3); and
6. Debtor was provided clear notice of his obligations and the consequences of his failure to comply with the court deadlines.

Based on the above findings, the court concludes that dismissal of this case is appropriate. The Court will enter a separate order of dismissal.